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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,811	12/02/2003	Francis Emmerson	878.0049.U1(US)	4120
29683	7590	09/19/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,811

Applicant(s)

EMMERSON ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/02/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed reference listed in the information Disclosure Submitted on 12/02/03 have been considered by the examiner (see attached PTO-1449

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-16, are rejected under 35 U.S.C. 102(e) as being anticipated by Maxwell (US Publication 20040148229 A1).

Regarding claims 1, 8-12, Maxwell teaches a mobile service system/method comprising a wireless client for a user and a remote service provider unit for providing content to the client (0164-0165), wherein the service provider unit comprises:

a memory for storing an application usable by the client both off-line and on-line; a port for receiving a request for the application from the client and for sending the application to the client (0038);

a processor for providing on-line use of the application for the client (0170);

a monitor for monitoring the on-line use of the application (0039);

a controller configured to control the processor to provide the on-line use of the application dependent on the monitoring (0052); and Maxwell inherently teaches the client comprising:

a port for communicating with the service provider unit, configured to send the request to the service provider unit and to receive the application from the service provider unit (0200);

a processor for off-line running the application whenever desired by the user and for on-line running the application when desired by the user if allowed by the controller (0040, 0050, 0057, 0200).

Regarding claim 2, Maxwell teaches a system according to claim 1, wherein the application is a game application (0075-0076).

Regarding claim 3, Maxwell teaches a system according to claim 1, wherein the monitor has been configured to keep account of available on-line use of the application and to decrement the available on-line use according to predetermined reduction criterion (0070).

Regarding claim 4, Maxwell teaches a system according to claim 1, further comprising a charging unit configured to collect a monetary charge for the sending of the application and for providing a certain amount of on-line use. (0074)

Regarding claim 5, Maxwell teaches a system according to claim 1, wherein the memory comprises a plurality of applications amongst which the client may select an application to be downloaded (0043, 0177).

Regarding claim 6, Maxwell teaches a system according to claim 1, further comprising means for informing the user when the amount of available on-line use is falling below a certain threshold (0175).

Regarding claim 7, Maxwell teaches a system according to claim 1, wherein the service provider unit further comprises means for determining a payment of a supplementary charge and increasing by a corresponding amount the available on-line use (0063).

Regarding claims 13-16, Maxwell teaches a computer program product comprising means for causing a network entity to provide content to a wireless client, comprising:

- computer executable program code configured to enable the network entity to store an application usable by the client both off-line and on-line (0171-0176);

- computer executable program code configured to enable the network entity to receive a request for the application from the client and for sending the application to the client (0183);

computer executable program code configured to enable the network entity to provide on-line use of the application for the client (0183-188);

computer executable program code configured to enable the network entity to monitor on-line use of the application (0168-0171); and

computer executable program code configured to enable the network entity to control the providing of the on-line use of the application dependent on the monitoring of the on-line use of the application (0168-0173).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mayer (US Publication 2005/0086211 A1) disclose system and method for searching finding and contacting dates on the internet in instant messaging networks

Simpson (US Publication 2005/0004984) disclose system and method for notifying and offline global computer network user of an online interaction

Sauter (US Publication 2001/0023180 A1) disclose wireless communication device with replenishable credit balance

Sano (US Patent 6,411,813) disclose data computer method and apparatus

Chithambaram et al. (US Publication 2004/0157641) disclose method and apparatus for providing access to maps on a personal digital assistant

6. Any responses to this action should be mailed to:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

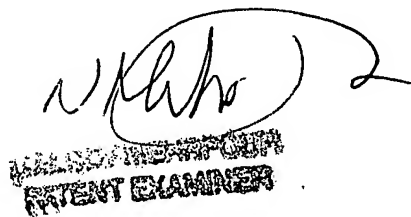
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

September 12, 2005



NAGHMEH MEHRPOUR
PATENT EXAMINER